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LETTER DATED 16 JULY 1991 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

In accordance with paragraph 4 of resolution 700 (1991), I have the honour to transmit to you the following information on the measures instituted by my Government, in accordance with paragraph 8 of the Guidelines, for meeting the obligations set out in paragraph 24 of resolution 687 (1991).

1. The general embargo on arms for shipment to Iraq was imposed, nationally, on 3 August 1990 by the French Government. The decision in question was implemented immediately, with retroactive effect. In view of the nature of the French arms-exports control system (which is itself based on the general principle of prohibition, a principle which only government authorities may waive, on a case-by-case basis), the decision has been implemented at both levels of control exercised by the French authorities, namely:

A. Control of commercial operations of enterprises.

All operations involving canvassing for business (exploration of general market conditions, excluding the submission of formal proposals), negotiations (initiation of talks that may reach the point where a draft contract is submitted) and sales (signature of a contract) are subject to the French Government's prior consent.

In the case of Iraq, on the instructions of the Prime Minister, consent has not been given in respect of the three stages in question in any instance since 3 August 1990. Authorizations already granted have been cancelled. All approaches made, all commercial negotiations and the signing of any contract for materials with Iraq has been strictly prohibited since that date. All violations of these prohibitions are subject to prosecution.

B. Control of the actual export of materials.

Once a contract has been signed, the military equipment ordered may not leave French territory until the customs authorities have, with the consent of the Ministry of Defence and the Ministry for Foreign Affairs, issued a special export licence (authorization for the export of military equipment).

Since 3 August 1990, on the instructions of the Prime Minister, the issuance of such authorizations has been prohibited. Authorizations previously granted in respect of contracts authorized earlier have been cancelled, in accordance with the relevant French provisions, and as a result all materials (both complete systems and spare parts) for shipment to Iraq have completely ceased to leave French territory. A prohibition similar to the prohibition on the departure of materials from French territory applies to materials admitted to French territory in the past under the legal system of temporary admission (in the case of materials returned to France for repairs).

Moreover, the introduction into French territory of any military equipment from Iraq or of Iraqi origin is now absolutely prohibited. This prohibition applies equally to imports proper and to transit, storage in a free zone and temporary admission.

This set of measures, which has to date permitted full implementation of the United Nations embargo, remains in effect.

(Signed) Jean-Bernard MERIMEE